

SECTION 1 GENERAL PROVISIONS

1.1 Title, Creation and Adoption

- 1.1.1** These Regulations shall be known as the Four Corners District Regulations. They are adopted for the Four Corners Zoning District (District), which was adopted on ____.
- 1.1.2** These Regulations are adopted pursuant to Montana Code Annotated (MCA) §76-2-201 et. seq., in accordance with the Gallatin County Growth Policy (Growth Policy) and the Four Corners Community Plan.
- 1.1.3** Copies of these Regulations and Zoning Map are on file for public inspection with the Office of the Gallatin County Clerk and Recorder and the Gallatin County Planning Department (Planning Department).

1.2 Legal Description

Land within the Four Corners Zoning District is legally defined as the following:

Township 1 South, Range 4 East

Section 34 = All land east of the centerline of River Road;

Section 35 = All;

Section 36 = All;

Township 1 South, Range 5 East

Section 29 = East ½ of the Southeast ¼;

Section 31 = All;

Section 32 = All;

Section 33 = North ½ of the Southwest ¼; Southwest ¼ of the Southwest ¼; land in the Northwest ¼ described in deed record 63FM1136 in the Gallatin County Clerk and Recorder's Office;

Township 2 South, Range 4 East

Section 1 = All;

Section 2 = All;

Section 3 = All;

Section 10 = East ½ of the Northeast ¼; Northwest ¼ of the Northeast ¼; East ½ of the Southeast ¼; land West of the centerline of River Road in the Southwest ¼ of the Northeast ¼ described as a portion of Tract C of Certificate of Survey 2513 in the Gallatin County Clerk and Recorder's Office; land West of the Centerline of River Road in the Southeast ¼ described as a portion of Tract C of Certificate of Survey 2513 in the Gallatin County Clerk and Recorder's Office;

Section 11 = All;

Section 12 = All;

Section 13 = All;

Section 14 = All except land west of the centerline of River Road in the Southwest ¼;

Section 15 = All land east of the centerline of the Kleughen Ditch in the Northeast ¼;

Section 22 = All land east of the centerline of River Road in the Southeast ¼;

Section 23 = All except land west of the centerline of River Road;
Section 24 = The North ½ of the Northwest ¼; the West ½ of the Southwest ¼ of the Northwest ¼; the West ½ of the Northwest ¼ of the Southwest ¼; the South ½ of the Southwest ¼;
Section 25 = The North ½ of the Northwest ¼;
Section 26 = The North ½ of the North ½; land west of Highway 191 in the South ½ of the Northwest ¼; land west of Highway 191 in the North ½ of the Southwest ¼;

Township 2 South, Range 5 East

Section 5 = the North ½; the Southwest ¼; the West ½ of the Southeast ½;
Section 6 = All;
Section 7 = All;
Section 8 = the West ½;
Section 18 = All land west of the centerline of Lynx Lane; all land north of the centerline of Elk Lane; all land west of the centerline of Beatty Road.

1.3 Application of District Regulations

- 1.3.1 Application. The requirements established by these Regulations are minimum regulations and apply uniformly to each class or kind of Structure or land throughout the District. Regulation provisions shall be held to the minimum that protects and promotes the public health, safety and general welfare of the District.

These Regulations include a grandfather clause in accordance with MCA § 76-2-208, which allows existing non-conforming Lots, Structures, uses of land, and other characteristics which would otherwise be restricted or regulated under the terms of these Regulations, to continue as non-conforming. Non-conforming uses cannot be enlarged upon, expanded, or extended, nor used as grounds for adding other Structures or uses prohibited in the same District. Property owners of legally existing non-conforming Structures may apply for a Conditional Use Permit (CUP, Section 2.4) to change, alter, enlarge, or expand non-conforming uses.

- 1.3.2 Zoning Regulation Conformance. All new construction is potentially subject to the provisions of these Regulations. Property owners are responsible for ensuring all activity within District boundaries conforms to these Regulations.
- 1.3.3 Exception. Under certain circumstances, the Planning Department may exempt public utility pipelines, wells, or Structures necessary for provision of services required for public health and safety, from provisions of these Regulations.
- 1.3.4 Vesting. An application made within the District is subject to the Regulations in effect at the time the application is submitted.
- 1.3.5 Contradictions. If the requirements of these Regulations conflict with the requirements of any other lawfully adopted rules, regulations or covenants, the most restrictive (or higher standard) shall govern.
- 1.3.6 Interpretations. The Planning Department, Code Compliance Specialist, Gallatin County Planning Board (Planning Board) and the Gallatin County Commission (County

Commission) can make official interpretations of the Four Corners Zoning District Regulations, boundaries, and map. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the County Commission shall determine the appropriate classification of that use.

In interpreting a use classification, the County Commission shall consider the matter in an official meeting and determine that the use:

- A. Is compatible with the uses allowed in the District.
- B. Is similar to one or more uses allowed in the District.
- C. Will not adversely affect property in the neighborhood or the District.
- D. Will not abrogate the intent of the Growth Policy or these Regulations.

- 1.3.7 Natural Resources. These Regulations may not prevent the complete use, Development, or recovery of any mineral (including an operation that mines sand and gravel or mixes concrete or batches asphalt), forest, or agricultural resource, except as authorized by MCA §76-2-209(2) and Section 9.2.8 of these Regulations.

1.4 Intent and Purpose

- 1.4.1 These Regulations have been made in accordance with the Gallatin County Growth Policy (adopted April 15, 2003) and the Four Corners Community Plan (Adopted 4/11/2006) for the purpose of promoting the public health, safety, and general welfare. Additionally, in accordance with MCA §76-2-203, these Regulations are designed to:

- A. Secure safety from fire and other dangers.
- B. Promote public health, public safety, and the general welfare; and
- C. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Further, these Regulations give reasonable consideration to the character of the District and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land.

1.5 Establishment of Zoning Districts and Official Zoning Map.

- 1.5.1 **Official Zoning Map.** The official Zoning Map shall be available in the Office of the Gallatin County Clerk and Recorder and shall bear certificate with the signature of the Chairman of the Commission attested by the Clerk and Recorder, and the date of adoption of the official Zoning Map. If any changes to the official Zoning Map are made by amendment of these Regulations in accordance with Section 2.7 hereof, such changes shall

be made to the official Zoning Map and signed, dated and certified upon the map or upon documentation attached thereto.

- 1.5.2 **Interpretation of Map Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown. Boundaries indicated as approximately following the centerline of roads or highways shall be construed to follow such centerlines. Boundaries indicated as approximately following platted Lot lines shall be construed as following such Lot lines. Boundaries indicated as following the centerline of streams, rivers, canals, or ditches shall be construed to follow such centerlines. Boundaries indicated as parallel to or extensions of features indicated on the official Zoning Map shall be determined by the scale of the map.

1.6 Invalidation and Severability

- 1.6.1 If any section, subsection, subdivision, sentence, clause, paragraph, or phrase of these Regulations, or any attachments hereto, is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these Regulations to render the same operative and reasonably effective for carrying out the main purpose and intention of these Regulations.